DETAILED ACTION

This is intended as a full and complete response to the Office Action dated February 26, 2010, having a shortened statutory period for response set to expire on May 26, 2010. Please reconsider the claims pending in the application for reasons discussed below.

Claims 1-63 are pending in the application. Claims 1, 23, 33, 60-63 have been amended. Claim 19 has been cancelled. Claims 1-18 and 20-63 shall remain pending following entry of this response.

Claim Rejections – 35 USC § 112

Claims 1 and 23 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement and 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly point out and distinctly claim the subject matter which applicant regards as the invention. More particularly the Examiner has rejected the limitation "having a confidence threshold including supplying audio files in real time of at least one voice interaction" as recited by claims 1 and 23 as being not supported by the specification and indefinite.

Applicants have amended the claims 1 and 23 to recite "wherein each panel-level segment is compared with a corresponding expected text, wherein a confidence level threshold of the automatic speech recognition component is used to evaluate an accuracy of an output of a comparison between each panel-level segment and the corresponding expected text". The amended limitation is supported by page 13, lines 20-23 of the present application. The Applicants submit that the claims 1 and 23, as amended are supported by the specification and clear, and respectfully request withdrawal of these rejections.

Claim Rejections – 35 USC § 103

Claims 1-10, 12-16, 18, 20, 23-63, are rejected under 35 U.S.C. 103(a) as being unpatentable over Garcia (US 2003/0007612, hereinafter *Garcia*), view of Shambaugh et al. (US 6,970,821, hereinafter *Shambaugh*), Yuschik et al. (US 6,526,382, hereinafter *Yuschik*) and Young et al. (US 2003/0154072); continuation of 09/535,155, filed 3/24/2000, which incorporates the cited passages, hereinafter *Young*.

Claims 11,17, 19, 21, 22, under 35 U.S.C. 103(a) as being unpatentable over Garcia (US 2003/0007612 hereinafter *Garcia*) in view of *Shambaugh, Yushic* an, *Young*, as applied to claim 1 above, and further in view of Rtischev et al. (US 5,634,086, hereinafter *Rtischev*)

Applicants respectfully traverse this rejection.

As stated in MPEP § 2143.01, to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Applicants respectfully submit, as will be detailed below, that neither Garcia, Shambaugh, Yushick and Young nor Rtischev, either expressly or inherently, teach or suggest all limitations recited in the pending claims.

Applicants submit that independent claims 1, 23, 33 and 60-63, as amended, include features which are not taught by the references. For example, the references fail to teach "wherein a score is assigned to each panel-level segment indicating a match accuracy of the panel-level segment with the corresponding expected text, **wherein the score is evaluated against a standard, the standard defining a required score for the panel-level segment to be declared as a match to the corresponding expected text.**"

Support for the amended limitations may be found at least on page 15, lines 5-15 of the present application.

The Examiner refers to paragraph 37 and 38 of Young as disclosing wherein the output can include a numerical score indicating a degree to which the at least one agent adequately followed the at least one script, and where the action taken is based on the numerical score.

> [0037] The process 300 can also determine a score for a call feature that measures the correspondence of the agent's speech with the provided script (step 304). That is, the process 300 can determine for each agent utterance, whether it follows the logical pattern of a previously specified script. For example, the system might determine how closely an agent followed a script, whether the agent repeated questions, backed up, or whether portions of the script were skipped in this call. Sophisticated systems might include scripts that fork and rejoin. The score may be adjusted to be more or less tolerant of deviations from the script.

> [0038] Since call centers such as technical support lines often receive calls from befuddled consumers, the process 300 may determine a "readability" score for the agent's speech (step 306) to ensure agents do not overwhelm

such callers with technical jargon. Typically, readability formulas readability scores based on the measures such as the number of syllables per word, the number of words per sentence, and/or the number of letters per work. For example, the "Kincaid" score can be computed as: {[11.8*(syllables per word)]+[0.39*(words per sentence)]}. Other scores include the Automated Readability Index, the Coleman-Liau score, the Flesch Index, and the Fog Index.

Although the cited paragraph teach determining a score for a call feature that measures the correspondence of the agent's speech with the provided script, the cited paragraphs do not disclose the score being evaluated against a standard that defines a required score for the agent's speech to be declared as a match to the provided script. In fact, Young does not disclose the score being evaluated against a standard that defines a required score for the agent's speech to be declared as a match to the provided script. None of the cited references, either alone or in combination, disclose the limitation "wherein a score is assigned to each panel-level segment indicating a match accuracy of the panel-level segment with the corresponding expected text, **wherein the score is evaluated against a standard, the standard defining a required score for the panel-level segment to be declared as a match to the corresponding expected text.**"

As the cited references fail to teach or suggest each and every element of independent claims 1, 23, 33 and 60-63, Applicants submit that claims 1, 23, 33 and 60-63, as well as their dependents are allowable and respectfully request withdrawal of this rejection.

As such, Applicant believes that claims 1, 23, 33, and 60- 63, as well as the claims that depend from them, are in condition for allowance and respectfully request they be passed to allowance.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone the undersigned at any time.

Respectfully submitted,
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